

Request for an Extension of Time

The Applicant requests a three month extension of time under the provisions of 37 CFR 1.136(a), in which to respond to the Office Action. Payment of the appropriate fee in respect of a small entity, is included with this submission.

I confirm that I am the Agent of Record for this application.

Remarks:

Claims 1 to 16 currently stand of record in the present application. All claims currently stand rejected.

In response to the various issues raised in the Action, the Applicant comments as follows.

Rejection under 35 USC § 112

Claims 1 and 16 stand rejected under 35 USC 112, second paragraph as being indefinite. In response the Applicant has amended Claim 1 to remove the word “optionally”. With this amendment, the claim is directed to a safety restraint system which requires at least one accessory.

The Applicant has also cancelled Claim 16.

With these amendments, the Applicant contends that the objections to Claims 1 and 16 under 35 USC 112, have now been obviated.

Rejection Under 35 USC 101

Claim 16 stands rejected under 35 USC 101 on the basis that the claim does not set forth any steps involved in the process, and thereby results in an improper definition of a claim. In response, as indicated above, the Applicant has cancelled Claim 16.

Rejection Under 35 USC 102

Claims 1 to 5, 7 to 9, 12, 13 and 16 currently stand rejected under 35 USC 102(b) as being anticipated by US Patent No. 6036146 (hereinafter “Paterson”). The Applicant respectfully traverses this rejection.

With respect to the rejection of Claim 1, the Examiner comments on page 3 of the Action

that Paterson provides “one or more **releasable mounting devices 28**, for receiving and attaching at least one of a variety of accessories to said base rod, and optionally, at least **one accessory 19**, for attachment to said releasable mounting device” (emphasis added).

It is contended that this statement is in error.

First, the Paterson device “28” is not a releasable mounting device in the terminology of the present invention. According to Paterson, item 28 is, in fact a “clamp rod” (col. 3, line 36), which is used to “hook around the dge of the top flange 19 of the steel I-beam 17” (col. 3 line 38). According to page 5, line 20 of the Applicant’s disclosure, the “releasable mounting devices” are holes or slots “in one end of the base rod into which an accessory can be inserted”. Thus, item 28 of Paterson clearly does not provide this feature.

Second, the Paterson device “19” is not an accessory for attachment to the releasable mounting device. In fact, according to Paterson, item 19 is a “top flange” of the I-beam (see col. 3, line 34). This clearly is not an accessory for attachment to the releasable mounting device.

As such, the Examiner’s statement that Claim 1 of the present application is anticipated by Paterson, is not supported by the Examiner’s statement.

Regardless, however, the Paterson device is distinguished from the device of the present application for the following reasons.

The main distinction over the Patterson device is that the Patterson device is only directed to use in a single application, namely the provision of a safety cable system. To achieve this, Patterson requires the use of at least three different devices to accomplish his single goal. These devices are a main stanchion, an intermediate stanchion and an end stanchion, each of which is a separate device. These components cannot be substituted one for the other, and are not interchangeable. As such, three different devices must be stored and used in order to practise the present invention.

Moreover since Paterson’s devices are all located on stanchions, it is necessary (or at least very desirable) to attach the stanchions to the I-beam before it is lifted into place. This provides unnecessary complications in lifting and installation of the I-beam, since it would be necessary to avoid damaging the stanchions during the lifting and installation process. Further, if the intended location of the stanchions is not correct when they are fitted to the I-beam (frame member) on the ground, the stanchions can interfere or prevent the I-beam from being easily or correctly

installed. Alternatively, at the very least, incorrectly positioned stanchions will require movement of the stanchions later once the I-beam has been installed.

The Applicant's system, however, does not suffer from any of these problems since the basic component of the Applicant's system is merely a base rod that can be easily affixed to a frame member (e.g. I-beam) at any one of a number of locations, after the frame member has been installed. Further, each base rod can receive any one or more of a number of accessories, depending on its location, and intended use. As such, the user need only have a supply of identical base rod devices which can be easily positioned after the frame member has been installed.

This avoids the necessity of providing a series of different devices which must be correctly positioned on the I-beam (frame member) in a specific manner and orientation, as described by Paterson.

In the Applicant's invention, after installation of the base rods, the accessories can be easily fitted and/or changed to provide devices having any desired configuration. Moreover, if the configuration requires change and/or additional accessories are required or desired, this can be easily accomplished. Thus, if a safety cable is no longer required, the system can be easily modified to provide a platform, or the like. Paterson clearly does not provide this capability.

Accordingly, the Applicant contends that the present invention is not anticipated by the Paterson document, and that the rejection of Claim 1 should be withdrawn.

As to the rejection of Claim 2, the Examiner again refers to Paterson's "**accessory 19**", but again item 19 is, in fact, the flange of the I-beam and not an accessory. Moreover, Paterson does not describe the use of any interchangeable accessories. Accordingly, Paterson cannot provide for any removable, interchangeable devices. Further, the "releasable mounting device 28", described by the Examiner, is not correct. As described hereinabove, item 28 of Paterson is a clamp rod, and not a releasable mounting device.

Accordingly, the rejection of Claim 2 should also be withdrawn.

As to the rejection of Claim 3, the Examiner contends that the Paterson device provides a "winch assembly having a winch 37, a static line 11, operatively connected to the winch; and a

mounting attachment for attaching said winch accessory to said releasable mounting device”.

While Paterson provides a winch assembly, Paterson does not describe interchangeable devices that can be attached to a releasable mounting device, as required by Claim 1, from which Claim 3 depends. Accordingly, the Applicant contends that the rejection of Claim 3 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 4, it is acknowledged that Paterson discloses a locking pin for holding the winch cable tight. However, Paterson does not describe interchangeable devices that can be attached to a releasable mounting device, as required by Claim 1, from which Claim 4 indirectly depends. Accordingly, the Applicant contends that the rejection of Claim 4 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 5, the Examiner contends that Paterson uses a ratchet assembly. However, item 49 of Paterson does not show a ratchet assembly, but merely a locking pin. Paterson makes no mention of a ratchet assembly. As such, the Paterson document cannot anticipate Claim 5. According, the Applicant contends that the rejection of Claim 5 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 7, the Examiner again confuses the releasable mounting devices with the attachment devices used to hold the base rod in position on the frame member. The releasable mounting devices 28 and 22 described by Paterson, are in fact “stiffeners 22” (col. 3, line 23, and “clamp rod 28” (col. 3, line 36). As such, the releasable mounting devices of the present invention are not provided by the Paterson document. Accordingly, the Applicant contends that the rejection of Claim 7 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 8, the Examiner contends that Paterson discloses a safety restraint device wherein the accessory is a winch assembly, a ladder, a light, a sign, a radio a handrail, a platform, or a suspended platform. In fact, Paterson only discloses the use of a winch, and none of the other devices are mentioned by Paterson. This again highlights that Paterson’s device is merely directed to a single application as a safety cable holder, and not to the multi-

functional applications described in the present application. As such, Claim 8, which is dependent from Claim 1, is not anticipated by Paterson. Accordingly, the Applicant contends that the rejection of Claim 8 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 9, the Examiner contends that Paterson discloses a system wherein the releasable mounting device is held by a lock pin 49. In fact lock pin 49 of Paterson is the lock pin used to hold the winch cable in place, and to hold it tight (see col. 3, line 64). It is not used to hold the accessory in place on the releasable mounting device, as required by the claim. Accordingly, Claim 9 is not anticipated by Paterson. Accordingly, the Applicant contends that the rejection of Claim 9 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 12, the the Examiner contends that Paterson discloses an accessory for use with a safety restraint device wherein the accessory is a winch assembly, a ladder, a light, a sign, a radio a handrail, a platform, or a suspended platform. In fact, Paterson only discloses the use of a winch, and none of the other devices are mentioned by Paterson. This again highlights that Paterson's device is merely directed to a single application as a safety cable holder, and not to the multi-functional applications described in the present application. As such, Claim 12, which is dependent from Claim 1, is not anticipated by Paterson. Accordingly, the Applicant contends that the rejection of Claim 12 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 13, it is acknowledged that Paterson provides a winch assembly, a winch, and a static line. However, Claim 13 is dependent from allowable Claim 12, and as such, is allowable. Accordingly, the Applicant contends that the rejection of Claim 13 under Section 102(b) should also be withdrawn.

As to the rejection of Claim 16 under Section 102(b), the Applicant confirms that Claim 16 has been cancelled, and thus, the rejection of the claim has now been obviated.

As such, the Applicant contends that all rejections of the claims under 35 USC 102(b) should be withdrawn.

Rejection Under 35 USC 103

Claims 6, 10, 11, 14 and 15, currently stand rejected under 35 USC 103(a) as being obvious over Paterson. The Applicant respectfully traverses this rejection.

Claim 6 stands rejected on the basis that the provision of 2 or 3 winch assemblies on a single mounting device, is obvious in view of Paterson. However, Paterson makes no attempt to provide 2 or 3 winch assemblies on a single support. Clearly, Figure 8 of the Paterson disclosure shows an arrangement having a series of different winch assembly devices. Even though Paterson had clear opportunity to provide a device with multiple accessories, he makes no suggestion or indication that this is a possible option. As such, the Applicant contends that the present invention is not obvious in view of Paterson.

With hindsight, the use of multiple accessories on a single mounting device, might seem obvious. However, clearly though Paterson had the opportunity to use this approach, he did not suggest or describe this option. Further, there is nothing in the Paterson document to motivate the skilled artisan to take this approach.

Accordingly, the Applicant contends that the rejection of Claim 6 under 35 USC 103(a) should be withdrawn.

As to the rejection of Claim 10, it is acknowledged that C-shaped or V-shaped attachment devices are known. However, Claim 10 is dependent from allowable Claim 1, and therefore Claim 10 is also allowable. Accordingly, the Applicant contends that the rejection of Claim 10 under 35 USC 103(a) should be withdrawn.

As to the rejection of Claim 11, the threaded locking rod "27" of Paterson is merely a "clamping bolt" (see col. 3, line 32). It is not operatively connected to a crank used to move the attachment bracket, and operates in a completely different manner from the threaded locking rod of the present invention. As such, the rejection of Claim 11 under 35 USC 103(a) should also be withdrawn.

As to the rejection of Claims 14 and 15, the Examiner contends that the method of establishing a static line, are obvious in view of the disclosure of Paterson. However, the Applicant contends that the currently disclosed methods for establishing a static line, are based on the attachment of base rods to vertical frame members. In contrast, the system of Paterson relies on stanchions, and the stanchions are intended to be positioned on horizontal frame members. The change provided in the present invention therefore eliminates the need for a stanchion in the provision of a safety support system and device of the present invention. This change simplifies the present system (when compared to the Paterson device), and provides a non-obvious improvement over the Paterson device. As such, the rejection of Claims 14 and 15 under 35 USC 103(a) should now also be withdrawn.

It is to be noted though, that Claim 15 has been amended to clarify the scope of the claim.

Summary

The Applicant therefore contends that with this submission, a full and complete response to the Office Action has now been submitted. Further, the Applicant respectfully contends that the present application, as amended, is now allowable, and as such, respectfully solicits a Notice of Allowance at the earliest opportunity.

Respectfully submitted,
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